

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Annexation #02003 **Date:** May 14, 2002
Sanitary and Improvement District (SID) #2 (Pine Lake)

PROPOSAL: To find that annexation of those properties within Sanitary and Improvement District #2 is in compliance with the Comprehensive Plan.

LAND AREA: Approximately 160 acres.

CONCLUSION: This annexation proposal is in conformance with the Comprehensive Plan for the following reasons:

- It meets the annexation policies of the Plan;
- The area to be annexed is within the future service limit;
- The area to be annexed is contiguous to the city;
- The area to be annexed is generally urban in character.

<u>RECOMMENDATION:</u>	Find that this request is in conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Pine Lake Addition, Pine Lake 2nd Addition, Pine Lake 3rd Addition, Pine Lake 4th Addition, Pine Lake 5th Addition, Pine Lake 6th Addition, Pine Lake 8th Addition, Pine Lake 9th Addition, and Lot 16 I.T., located in Section 15, T9N, R7E of the 6th P.M., Lancaster County, Nebraska (State law requires the abutting streets - Pine Lake Road and South 84th Street - to be annexed automatically at the same time).

LOCATION: Northwest of the intersection of South 84th Street and Pine Lake Road.

APPLICANT: Kent Morgan, Interim Planning Director
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508
(402) 441-7491

CONTACT: Brian Will
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508
(402) 441-6362

EXISTING ZONING: AGR Agricultural Residential

EXISTING LAND USE: Single-family Residential, Golf Course

SURROUNDING LAND USE AND ZONING:

North:	Vacant (Parker's Landing Preliminary Plat approved 2/28/02)	R-3	
South:	Church, Vacant		AGR
East:	Single-family Residential, Vacant		AGR
West:	Vacant		AGR

ASSOCIATED APPLICATIONS: CPC#02003 - A declaration of surplus property for Outlots G, H, I, J, K, L, M and N, Pine Lake 5th Addition and Outlot AAA, Pine Lake 8th Addition.

HISTORY: City Council approved an interlocal agreement with the Pine Lake SID on **May 13, 2002** to allow connection to the City's water system.

SP#277H - An amendment to the Pine Lake CUP was approved **June 14, 2001** to allow a reduced front yard setback for Lot 20, Pine Lake Addition.

SP#277G - An amendment to the Pine Lake CUP was approved on **November 17, 1999** to allow cellular telephone antennas on the Pine Lake water tower.

SP#277F - An amendment to the Pine Lake CUP was approved on **November 1, 1999** to allow a reduction in the side yard setback from 15 feet to 10 feet on Lots 76 - 85, Pine Lake 4th Addition.

SP#277E - An amendment to the Pine Lake CUP was approved on **November 23, 1998** to allow reduction in the front yard setback from 40' to 35' and to the side yard setback from 10' to 5' on Lot 3, Block 3, Pine Lake 5th Addition.

SP#277D - An amendment to the Pine Lake CUP was approved on **April 6, 1987**, allowing a revised lot layout for those lots along Barkley and Horseshoe Drives, and South 83rd Street.

SP#277C - This amendment was withdrawn on **February 3, 1986**.

SP#277B - An amendment to the Pine Lake CUP was approved **June 24, 1985** allowing a reduction in the front yard setback from 50' to 40' and the side yard setback from 15' to 10' on Blocks 3, 4, and 5, Pine Lake 5th Addition.

Revised Preliminary Plat of Pine Lake and Pine Lake 8th Addition - The revised preliminary plat and the 8th Addition final plat were approved **May 22, 1985** and **July 15, 1987** respectively.

Pine Lake 6th Addition - The final plat was approved **October 24, 1977**.

SP#277A - An amendment to the Pine Lake CUP was approved on **February 9, 1976**, allowing a reduction in the side yard setback from 15' to 5' on those lots less than 90' in width and from 15' to 10' on those lots 90' or more in width on Blocks 1 through 5, Pine Lake 5th Addition.

Pine Lake 5th Addition - The final plat of Pine Lake 5th Addition was approved **July 25, 1973**, and included Outlot G for the golf course.

Pine Lake Revised Preliminary Plat and Pine Lake 4th Addition - The revised preliminary plat of Pine Lake and the final plat of Pine Lake 4th Addition were approved **February 24, 1971**, and expanded the area included in the plat east to South 84th Street including a conceptual plan for a golf course.

Pine Lake 3rd Addition - The final plat of Pine Lake 3rd Addition was approved **December 23, 1970**.

Pine Lake 2nd Addition - The final plat of Pine Lake 2nd Addition was approved **March 8, 1964**.

SP#277 - A special permit revising the Pine Lake C.U.P. was approved **September 8, 1964**.

Pine Lake Addition - The final plat of Pine Lake Addition (the western portion of the Pine Lake SID surrounding the lake) was approved **June 28, 1961**.

SP#209 - The original C.U.P. for Pine Lake was approved **June 28, 1961**.

Pine Lake - The preliminary plat of Pine Lake was approved **June 28, 1961**.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates the Pine Lake SID as Low Density Residential, with the golf course and trails designated as Parks and Open Space. The Land Use Plan also shows the SID within the City's Future Service Limit.

SPECIFIC INFORMATION:

BACKGROUND: On December 12, 2001, the preliminary plat and annexation of Parker's Landing were approved. This is a proposed residential development located north of the Pine Lake SID. With the annexation of Parker's Landing, the Pine Lake SID became adjacent to Lincoln's corporate boundary.

At approximately the same time as the Parker's Landing annexation, one of the SID's three water wells failed. The SID has stated that three wells are needed to meet summer peak demand and to provide fire protection, and the SID is required to provide water capacity to meet these needs. Because there had been an ongoing discussion among the SID, the Homeowner's Association, the Pine Lake Golf and Tennis Association and the City, the SID notified the City of the failed well and the cost of replacement. The City chose to enter into an interlocal agreement and provide water to the district with the understanding that annexation was imminent and that it would not be opposed by the SID, rather than have the District go into debt to construct a new well - a debt the City would assume after annexation.

A public meeting to discuss the proposed annexation with affected property owners is scheduled for May 21, 2002 at the Berean Church. A copy of the notice/information letter that was mailed to affected parties is attached to this report.

UTILITIES AND SERVICES:

Sanitary Sewer - Plans have been submitted on behalf of Pat Mooberry for an executive order to extend sanitary sewer service from manhole #234 (see attached exhibit A) north to serve Parker's Landing. It is anticipated this extension will be completed later this year, and at that time the Pine Lake sewer system will be connected and the existing treatment facility will be decommissioned.

Water - There is an existing 24" water main in South 84th Street that can accommodate the connections needed to serve Pine Lake. An upgrade to the City's water system is planned in this area, including the Cheney Booster. At such time as those improvements are installed, additional connections will be made to the Cheney Booster District to enhance water service to the area.

Roads and Sidewalks - The streets within Pine Lake have 60' wide rights-of-way with 27' wide paved surfaces, except the street across the dam which is approximately 20' wide. Streets have curb and gutter and are in generally good repair and well maintained. Those portions of South 84th Street and Pine Lake Road that abut Pine Lake will automatically be annexed with the SID. There are no sidewalks within the development.

Parks and Trails - After annexation, the assets and liabilities of the SID will be assumed by the City. Among the assets are the outlots where the golf course, some recreational trails, and the Pine Lake water tower and wells are located. The Parks and Recreation Department does not want to maintain these facilities, and City staff agree that the City does not want to retain ownership of the outlots and related facilities after annexation. For this reason, the related application for declaration of surplus property accompanies this annexation request.

Fire Protection - Fire protection is currently provided by the Southeast Rural Fire District. After annexation, the City will provide fire protection where the first responding units will be dispatched from either Engine #12 at South 84th & South Streets or Engine # 6 at South 48th & Clair Streets. Fire hydrants exist throughout the SID, and are compatible with City fire fighting equipment.

Schools - The Pine Lake area is currently affiliated with four different school districts (Lincoln Public Schools, Waverly, Cheney, and Bennet/Palmyra). After annexation, all students within the Pine Lake area will automatically be in the Lincoln Public School District.

ANALYSIS:

1. The City entered into an interlocal agreement on May 13, 2002 with the Pine Lake SID to allow connection to the city's water system with the understanding that annexation is imminent, and that annexation will not be opposed by the SID. The urgency was created by need of the SID to compensate for the failure of one of their three wells. Their ability to provide adequate fire protection with two wells is questionable, a problem compounded if a second well were to fail.

The interlocal agreement allows connection to the City's water system while the annexation is being processed. As annexation is considered imminent, it is deemed to be in the City's economic interest to provide water service and proceed with annexation, versus the SID assuming debt to drill a new well. If a new well were drilled, the debt would be assumed by the City for a facility that would not be used for domestic service after annexation.

2. An annexation agreement is being drafted for City Council consideration. The purpose of the agreement will be to stipulate the conditions under which the annexation will occur. Among others, these conditions could include provisions for easements for utilities, or rights-of-way for streets beyond those dedicated if more of either are required to allow the area to be served with municipal services.

3. This proposal is in conformance with the annexation policies on page 191 of the Comprehensive Plan, specifically the policies that state:
 - ! Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
 - ! Annexation generally implies the opportunity to access all City services (i.e., police, fire). Voluntary annexation agreements may limit or outline the phasing, timing or development of utility services (i.e., water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.
 - ! Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program (CIP) of the city and the county."
4. The area to be annexed is within the City's Future Service Limit, as shown on Lincoln's Land Use Plan of the Comprehensive Plan (page 39).
5. These properties meet the Comprehensive Plan's policy for annexation since they are:
 - a) generally developed;
 - b) urban in character;
 - c) contiguous to the city limits;
 - d) generally has city utilities available or planned for.

Prepared by:

Brian Will, AICP
Planner

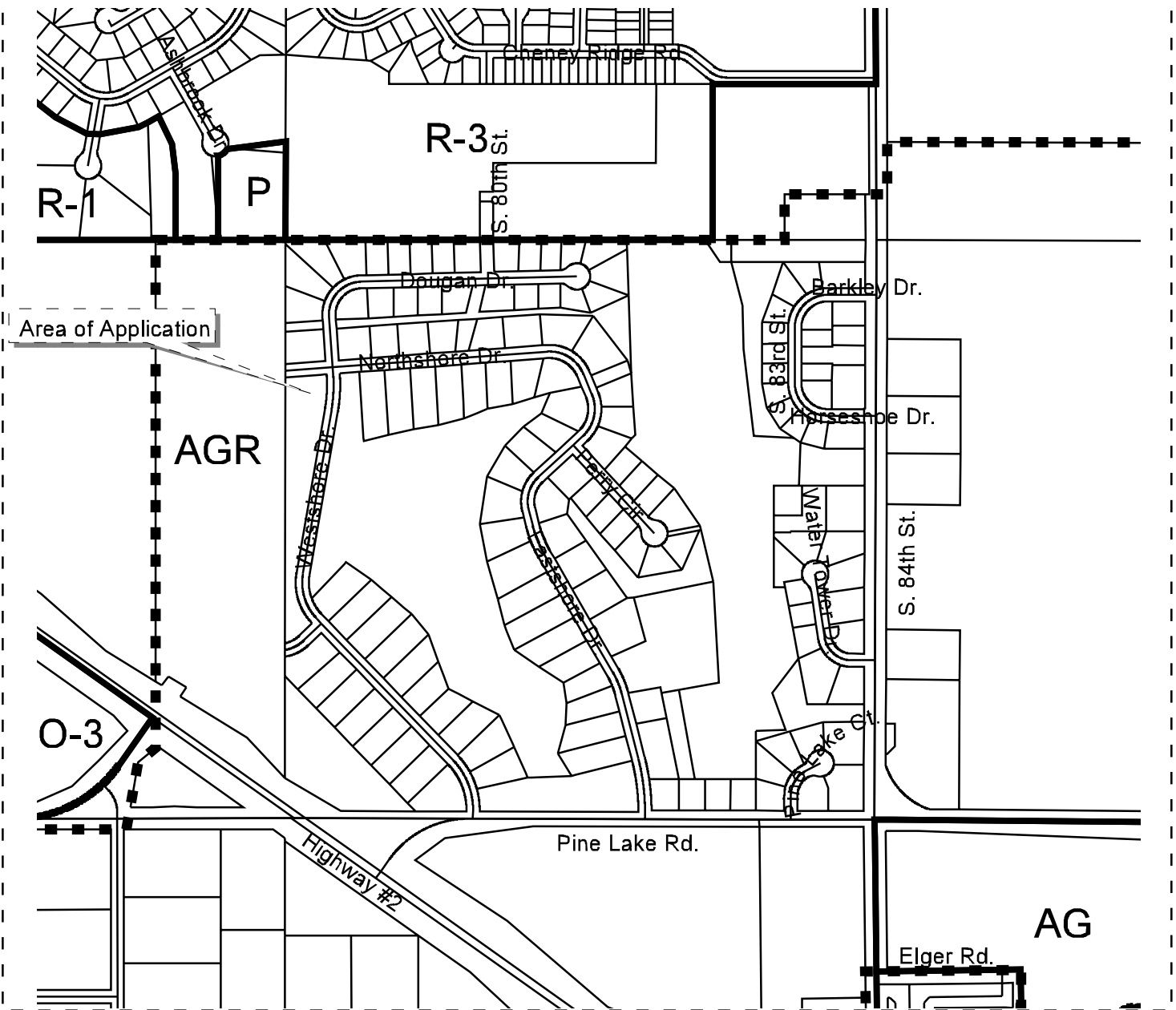


Annexation #02003
S. 84th & Pine Lake



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

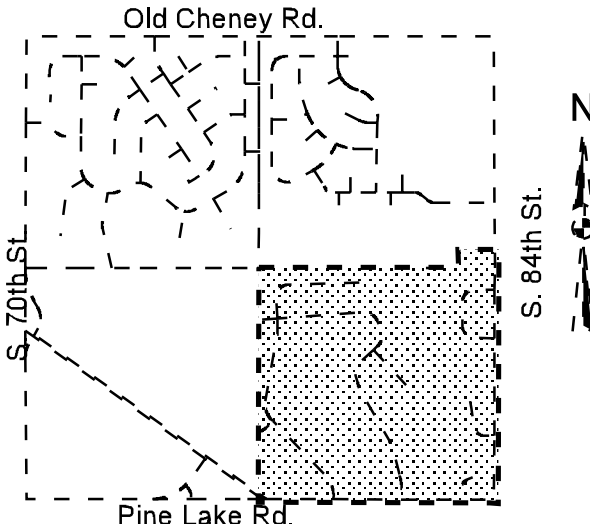
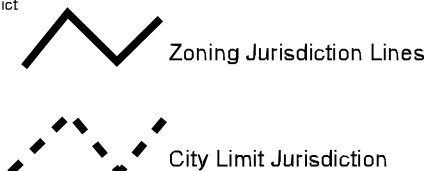


Annexation #02003 **S. 84th & Pine Lake**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 15 T9N R7E



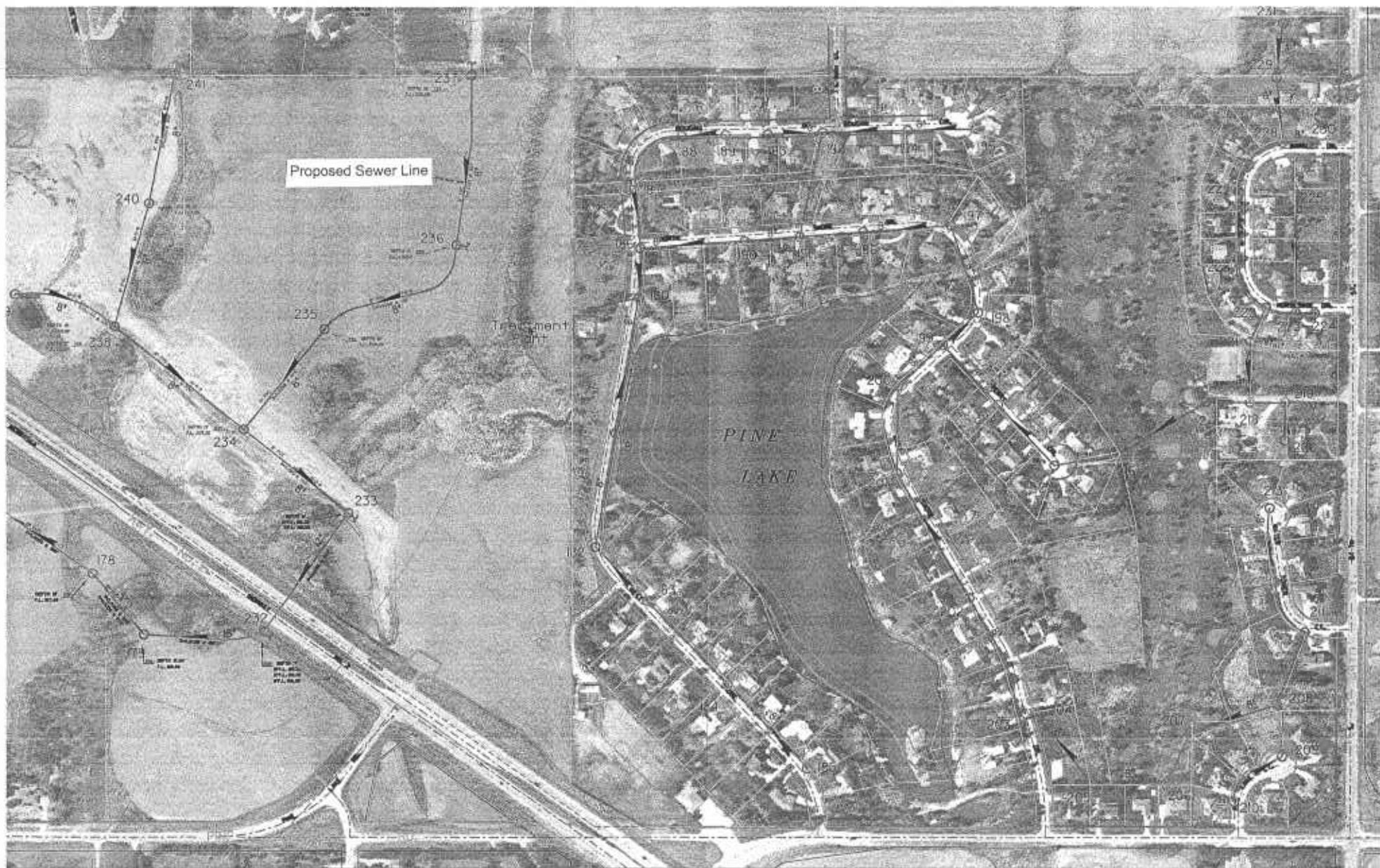


EXHIBIT A - SANITARY SEWER SERVICE



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-DEPARTMENT COMMUNICATION**

TO:	Brian Will	DATE:	April 30, 2002
DEPARTMENT:	Planning	FROM:	Jerrold C. Hood, REHS
ATTENTION:		DEPARTMENT:	Health
CARBONS TO:	Bruce D. Dart, Director Scott E. Holmes File	SUBJECT:	Annexation #02003 Pine Lake Subdivision

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the plans for the proposed annexation of Pine Lake Subdivision. The LLCHD supports this annexation and urges that the City of Lincoln sewer be connected to the subdivision as soon as possible. Records indicate that sewage disposal plant may at times be overloaded which has resulted in high discharge numbers of fecal Coliform and high Total Suspended Solids (TTS). If the city annexes Pine Lake Subdivision before city sewer can be provided, the City will gain the liability of the existing sewage treatment plant.

The LLCHD also urges that the City of Lincoln water supply be made available to Pine Lake as soon as possible. In the Past, Pine Lake Subdivision has been served by three wells. Recently, one of the three wells is no longer producing and needs to be either refurbished or replaced. The remaining two wells do not have sufficient capacity to provide sufficient water volume for the seasonal increase in water demand and to provide sufficient volume for fire protection.

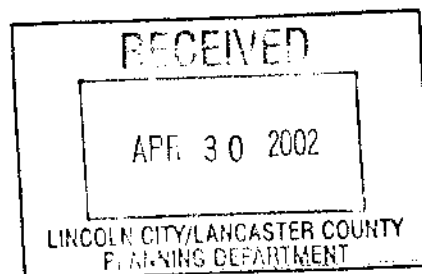
Any wells kept in use after annexation must have a biennial well permit issued from the LLCHD.

If there are any questions please contact me at 441-8029.

JCH:dl

Planning.Memo.wpd/5

Jerrold C. Hood



Memo



To: Brian Will, Planning Department

From: Mark Canney, Parks & Recreation

Date: April 22, 2002

Re: Pine Lake Annexation

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Outlot areas that are presently owned by the SID need to be transferred to the homeowners association for future maintenance and shall remain the responsibility of the homeowners association.
2. No public ownership is anticipated of the golf course or common areas.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

May 8, 2002

Dear Property Owner:

RE: Public Meeting for the Proposed Annexation of Pine Lake Sanitary and Improvement District (SID) #2

The City of Lincoln is initiating the process for annexation of those properties within Pine Lake SID #2. On May 21, 2002, the Planning Department will host an open house to explain the annexation proposal and to answer questions. The open house will start at 7:00 p.m. with a brief presentation by staff, with the remainder of the time for questions. The meeting will be held at the Berean Church located at 6400 South 70th Street. Staff from the County Assessor's Office, Lincoln Public Schools, Lincoln-Lancaster County Health Department, City of Lincoln Public Works and Utilities, and the City of Lincoln Law Department are scheduled to attend and be available for questions.

Included is a list of questions and answers to some of the common questions typically asked about annexation. Hopefully this will answer some of the questions that you may have about the potential annexation; however, if you would like to speak to someone for clarification or more information there is a list of staff contacts with phone numbers at the end of this letter.

What is the review process for annexations?

The proposed annexation is scheduled for Planning Commission public hearing on Wednesday, May 29th at 1:00 p.m. The hearing will be in City Council-County Board Chamber on the first floor of the City-County Building at 555 South 10th Street. The meeting is open to the public and anyone may testify before the Planning Commission or send a letter to the Commission in advance. The meeting will also be broadcast live on public access cable channel 5.

The Planning Commission is a nine member body that will make a recommendation to the City Council on the conformance of the proposed annexation with the Comprehensive Plan. The Planning Department prepares a staff report on behalf of city staff with a recommendation on the proposed annexation to the Planning Commission for their review and consideration. The report is available to the public the week before the hearing, on May 23rd after 3:00 p.m. Once the Planning Commission makes its recommendation, an additional public hearing will be held by the City Council at a later date.

What is the City's Annexation Policy?

The current Comprehensive Plan provides guidance on the issue of annexation. On pages 191 and 192 of the 1994 Comprehensive Plan it states the following:

"Annexation. The following policies will provide guidance regarding annexations by the City:

- The boundaries for providing municipal services should generally coincide with the jurisdictional boundaries of the community.

- The extension of water or sewer service shall be predicated upon an annexation, which shall occur before the land is provided with water or sewer service.
- Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
- Annexation generally implies the opportunity to access all City services (i.e., police, fire). Voluntary annexation agreements may limit or outline the phasing, timing or development of utility services (i.e., water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.
- A Comprehensive Plan amendment, including amendment to the phasing plan, may be subject to a voluntary annexation agreement which will limit or outline the phasing, timing of development of utility services (i.e. water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.
- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvement Program of the city and county.

The Comprehensive Plan is the City's guide for decisions regarding both development and annexation. The 1994 Lincoln/Lancaster County Comprehensive Plan contains both guidelines on annexation and a phasing plan for development. The city has adopted an "Anticipated Lincoln Service Limit and Phasing Plan," Figure 65, page 197 of the Comprehensive Plan. The future service limit delineates those areas that are anticipated to be included in the city limits at some point in the future. The properties within Pine Lake SID #2 are inside the future service limit.

Upon what legal basis can the City annex property?

The City of Lincoln's ability to annex property comes from state authorization. The following is a general summary of annexation law with regard to the City of Lincoln:

- the City may at any time annex "contiguous or adjacent" lands;
- according to State statutes "land shall be deemed contiguous although a stream, embankment, strip or parcel of land, not more than 500 feet wide, lies between such land and the corporate limits;
- the Nebraska Supreme Court has voided "strip, corridor or flag" annexations in which the land is adjacent by only a narrow strip or neck of land;
- the City automatically annexes adjacent property upon subdivision if it is in the future urban area and must annex adjacent county roads during an annexation.

How would this affect property taxes?

The properties with the Pine Lake SID #2 are within four different taxing districts. The average residential value for 2001 was \$204,750. Below are the comparisons based upon the average residential value showing the tax district and rates before and after annexation (per County Assessor as of 4/22/02).

	School District	Tax Rate	Annual Tax Amount
Tax Dist. #6	Lincoln	1.9047700	\$3,900
Tax Dist. #1	Lincoln	2.007788	\$4,110
Approximate increase totaling \$210.00			
Tax Dist. #36	Waverly	1.76044	\$3,616
Tax Dist. #205	Lincoln - no bond & Waverly - 1996 high school & Waverly - 2000 elementary	2.062260	\$4,222
Approximate increase totaling \$606.00			
Tax Dist. #179	Cheney affiliated with Lincoln	1.766044	\$3,616
Tax Dist. #1	Lincoln	2.007788	\$4,110
Approximate increase totaling \$613.00			
Tax Dist. #180	Cheney affiliated with Bennet/Palmyra	1.701478	\$3,484
Tax Dist. #202	Lincoln - no bond & Bennet/Palmyra 1997 high school bond	1.974828	\$4,043
Approximate tax increase of \$559.00			

Upon annexation all lands within Pine Lake SID #2 would transfer to Lincoln Public School (LPS) Districts. Property owners would no longer pay their current school district general levy, but would now pay the LPS general levy. Additionally, according to state statutes, any property that was in a school district at the time of a bond election, must continue to pay that bond until it is retired, even after property transfers to another district.

However, the City of Lincoln and Lincoln Public Schools have approved an agreement that provides that any area annexed by the City of Lincoln would not have to pay for existing LPS school bonds while it still has to pay for the school bond of another school district. If your property is annexed it will be subject to all future bonded indebtedness of LPS that is approved after the date of annexation.

What about the existing sewage treatment plant/connecting to the City's system?

Plans are under review by the City for the extension of a sewer line from Highway 2 north to Parker's Landing, the recently approved subdivision adjacent to the Pine Lake SID on the north. These plans show the proposed line extending across the undeveloped land that lies between Pine Lake SID and the Berean Church. It is anticipated that after this line has been constructed, the Pine Lake sewer system will be connected to it. After connection to the City's system, the old treatment facility located at the west edge of Pine Lake SID would be of no further use and is expected to be decommissioned.

Will homeowners be able to keep their wells?

Yes. Wells are allowed inside the city limits as long as the owner obtains an annual permit from the Health Department and the well meets city standards. In the case of the Pine Lake SID wells, the two functioning water wells could continue to be used for irrigation purposes.

How would fire service be handled?

Currently, this area is served by the rural fire district. After annexation, the Lincoln Fire Department would handle all emergency and fire calls to the area.

How would homeowners with horses, goats, and other large animals be affected?

A household with a lot of at least one acre may obtain an annual permit to maintain 1 or 2 large animals. Animal pens or stables must be more than 75 feet from any residence. In order to maintain three or more animals, there must be at least 1.5 acres of lot area per animal. Residences exceeding the permitted number may keep their animals while the numbers are diminished through natural attrition. Animals in excess of the permitted numbers cannot be replaced.

How would homeowners with 4 or more small animals be affected?

Fowl and small animals such as rabbits require a permit. A resident may have up to 3 dogs over the age of 6 months. A cat kennel permit is required to keep more than one unaltered cat over the age of one year. There is no maximum on the number of altered cats. All cats and dogs must be licensed.

For further information on these specific topics please call:**Wells and On-Site Wastewater Treatment Systems**

John Chess, Health Department, at 441-8027

Streets, Sidewalks, City Sewer and Water

Dennis Bartels, Public Works, at 441-7595

General Information on Annexation and Process

Brian Will, Planning, at 441-6362

Horses, Dogs, Cats and Other Animals

Jim Weverka, Health Department, at 441-7900

If you have any further questions, please do not hesitate to call.

Sincerely,

Brian Will
Planning Department

xc: Mayor Don Wesely; City Council; Norm Agena, County Assessor; Ray Hill, Planning Department; Rick Peo, Law Department; Scott Holmes, Health Department; Roger Figard, Public Works & Utilities; Steve Masters, Public Works & Utilities; John Huff, Fire Department.